

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL RESEARCH ADMINISTRATION  
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE  
DOMESTIC QUARANTINE NOTICES  
WHITE-FRINGED BEETLE QUARANTINE REGULATIONS MODIFIED

Introductory Note

The following administrative instructions lift the certification requirements on a number of articles regulated by the quarantine on account of the white-fringed beetle (Quarantine No. 72) when they have been maintained under conditions that prevent them from becoming infested, and completely exempt certain other articles from the certification requirements. This action is considered safe because present conditions within the infested areas eliminate the danger of spreading infestations by such articles. These administrative instructions also specify the conditions under which soil and similar materials may be certified.

§ 301.72 Administrative instructions. Modification of certification requirements for specified articles.--Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of the white-fringed beetle quarantine, 7 CFR § 301.72 as revised effective March 15, 1947, 12 F.R. 1667 [Notice of Quarantine No. 72 on account of the white-fringed beetle,] the certification requirements of §§ 301.72-4 and 301.72-5 of the regulations supplemental to said quarantine, revised effective March 15, 1947 (12 F.R. 1667) are hereby modified as to interstate movement of the following articles and materials enumerated in § 301.72-3 of said regulations:

(a)(1) The following articles are exempt from the certification requirements of § 301.72-4:

- (i) Cordwood.
- (ii) Seed cotton, cottonseed, baled cotton lint and linters.
- (iii) Processed clay and crude clay for manufacturing purposes when handled to the satisfaction of the inspector.

(2) The following articles and materials are exempt from the certification requirements of § 301.72-4 when they are free from soil and when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

- (i) Hay and straw, except that peanut hay is not exempt.
- (ii) Uncleaned grass, grain, and legume seed.
- (iii) Scrap metal and junk.
- (iv) Forest products such as stump wood, logs, lumber, timbers, posts, poles, and cross ties.

- (v) Brick, tile, stone, and cinders.
- (vi) Concrete slabs, pipe, and building blocks.
- (vii) Implements, machinery, equipment, and containers.

(3) Certification will still be required for the following articles and materials.

- (i) All soil, sand, gravel, clay, peat, or muck, whether moved independently or in connection with, or attached to nursery stock, plants, products, articles, or things.

- (ii) Compost, manure, moss, and leafmold.
- (iii) Nursery stock.



- (iv) Grass sod.
- (v) Plant crowns or roots for propagation.
- (vi) Potatoes (Irish), when freshly harvested.
- (vii) True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.
- (viii) Peanuts in the shell.
- (ix) Peanut hay.

(b) Certificates or master permits under § 301.72-5 may be issued for the interstate movement of the following materials under the conditions specified below:

(1) Soil, sand, gravel, clay, peat, or muck, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(2) Sand and gravel, when washed, processed, or otherwise treated to the satisfaction of the inspector.

The purpose of this action is thus to relieve commerce in the articles exempted herein from restrictions heretofore imposed. In order to be of maximum benefit to the public, the relief from these restrictions must be made effective as soon as possible. Accordingly, compliance with the rule making procedure of Sec. 4 (a) of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 238) is impracticable and contrary to the public interest, and compliance with the publication requirement of Sec. 4 (c) of that act is unnecessary.

This revision supersedes B.E.P.Q. 485, 14th revision, which became effective December 12, 1945 (7 CFR 1945 Supp. 301.72a).

These instructions shall be effective upon publication in the Federal Register and shall remain in effect until further modified or revoked.

(Sec. 8, 37 Stat. 318, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 1940 ed. 161; 7 CFR § 301.72, as revised effective March 15, 1947, 12 F.R. 1667)

Done at Washington, D. C., this 14th day of May 1947.

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Plant Quarantine